

52G.3.c.108.

for the Purpose of electing Trustees for carrying into execution certain Purposes in the said Act mentioned, relating to the Works of Drainage and Embankment: And whereas the Lands by the said Act intended to be inclosed and drained lie contiguous to the River *Witham*, on the South Side thereof; and Disputes having arisen between the Proprietors of the said Lands and the Company of Proprietors of the *Witham* Navigation, incorporated under or by virtue of an Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for rendering more effectual an Act of His present Majesty, for draining Lands lying on both Sides of the River Witham in the County of Lincoln, and restoring the Navigation of the said River, and for repealing another Act of His present Majesty in relation to the said Drainage and Navigation*, respecting the Liability of the said Company to render a certain Delph called the *South Delph*, situate on the South Side of the said River, of sufficient Capacity to carry off the Waters to be discharged thereby without Injury to the Lands on the South Side thereof, it will be impracticable for the Commissioners for executing the said Act to declare the said Works of Drainage and Improvement to be completed within the Time so limited; and it is therefore expedient that so much of the said Act as limits the Power of the Commissioners to Two Years from the passing of the said Act should be repealed, and other Provisions made in lieu thereof: And whereas the Commissioners have proceeded in the Execution of the Powers of the said Act, and have in pursuance thereof proceeded to set out the general Allotments to the Proprietors of Lands and Grounds in the said Parish and Township, and have made Part of the Works of Drainage and Embankment, and have set out the several Allotments directed to be made to the Rector in respect of his Glebe Lands, and in lieu of the Tithes of the Low Lands: And whereas it is by the said Act provided, that the said Commissioners should allot so much and such Parts of the Waste Lands as abut upon the Lands of the Rector of the said Parish and Township, in lieu and compensation for such Parts of the Glebe Lands as shall be used in making Drains, Banks, Roads, and Ways; and that in case the same should not be sufficient for such Compensation and for the Tithes of the Lands and Grounds of the several Proprietors used and employed therein, then that the Commissioners should allot other Waste Lands for the same Purpose (if any), or otherwise so much of the Open Meadows and Cow Commons as should be equivalent thereto, in order that the said Rector might be fully compensated for the same: And whereas the said Commissioners have in the Execution of such Provisions set out to the said Rector certain Part of the Lands and Grounds that lie next to the *South Delph*, Part of which Land so set out or allotted will be required to be used for the Purpose of rendering the said *South Delph* of sufficient Capacity as aforesaid, either by the said Company or by the said Commissioners, as may be hereafter determined: And whereas the Works for rendering the said *South Delph* of sufficient Capacity as aforesaid will be of great Extent, and when made will be subject to another Provision in the said Act, whereby the Commissioners, and also the Trustees for maintaining the

Works of Drainage, are empowered to let the Herbage of all Banks within the Parish and Township, and to apply the Rents and Profits thereof to the Purposes of the said Drainage, so that such Allotments to the said Rector are and will be insufficient for the Purpose of such Compensation; and all other Parts of the Waste Lands and Open Meadows and Cow Commons have been exhausted in execution of other Purposes of the said Act, and it is therefore expedient that Provision should be made for better enabling the said Commissioners to make a full Compensation to the said Rector for such Lands and Tithes as aforesaid: And whereas it is by the said recited Act provided, that the Compensation to the Rector for the Tithes of all the Low Lands in the said Parish and Township should, in the first place, be made by an Allotment of the Open Low Lands in the said Parish and Township; and it is thereby also provided, that the Proportion of the Costs and Expences of the Division and Inclosure, payable by the Trustees or Guardians of the several Charities established in the said Parish and Township by Sir *Edward Clark* Knight, *Ralph Eure* Esquire, *Thomas Garratt* Gentleman, *Timothy Pike*, or any other Person or Persons, should be defrayed by Money to be raised by Sale of the Allotments of the Open Lands to which such Trustees or Guardians would be respectively entitled: but inasmuch as the whole of the Open Lands have been allotted to the Rector for Tithes under such first-mentioned Provision, it is expedient that further Powers should be given for enabling the Commissioners to pay the Proportions of the said Costs and Expences of such Trustees or Guardians: And whereas the Lands within the said Parish of *Washingborough* and Township of *Heighington* are inconveniently and dispersedly situate, and Difficulties have frequently arisen as to whether Lands lie within the said Parish or Township; it is therefore expedient that the said Commissioners should be empowered, in and by their Award or otherwise, to set out One or more Line or Lines as the Boundary between the said Parish of *Washingborough* and Township of *Heighington*, taking care to preserve the present total annual Value of Lands and Hereditaments within the said Parish and Township respectively: And whereas the Powers and Provisions of the said Act have been found in many Respects defective and insufficient for effecting the Purposes thereof, and it is therefore expedient and necessary that the Powers and Provisions of the said Act should be altered, amended, extended, and enlarged, and that further Powers should be granted for effecting the Division, Allotment, Inclosure, and Exoneration from Tithes of the Lands and Grounds comprised in the said Act, and the embanking, draining, and improving of the same, and maintaining the Works of Drainage and Embankment in repair, and the better raising of the Rates, and for the Application thereof, and for altering some of the Allotments so set out: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act passed in the Seventh and Eighth Years of the Reign of His present Majesty, and all and

Powers of the
recited Act
7 & 8 G. 4.
and

(except such as are repealed) and of the Act 41 G. 3. c. 109. extended to this Act.

every the Powers, Provisions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) and also the Act therein recited, passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, and all and every the Powers Provisions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained, (save and except such Parts thereof as are varied, altered, or repealed,) shall respectively be as good, valid, and effectual for carrying this Act and the several and respective Purposes thereof into execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Repealing Parts of former Act.

II. And be it further enacted, That so much of the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty as enacts or provides that at such Time, being within Two Years from the passing of the said Act, as the Commissioners shall by Writing under their Hands, to be affixed on the Door of the Parish Church, declare the Works of Drainage and Improvement to be completed, the Commissioners shall cause Notice to be given that the Proprietors or their Deputies or Agents would meet and make choice of Five Trustees respectively possessed of Thirty Acres of Land in the Parish or Township for which such Person should be chosen, for the further putting the Act into execution, and as directs or prescribes the Manner or Form of the Proceedings for the Election of such Trustees; and also so much of the said Act as invests or could or might be construed to invest the Persons so elected Trustees, or their Successors, with the Execution of any of the Powers or Authorities in the said Act mentioned; and also so much of the said Act as enacts that the Commissioners shall and may and they are authorized and required to divide and set out from the Lands and Grounds to which the Trustees or Guardians of the several Charities established in the said Parish and Township by Sir *Edward Clark* Knight, *Ralph Eure* Esquire, *Thomas Garratt* Gentleman, *Timothy Pike*, or any other Person or Persons, who are or is entitled in the Fens and Commons to be divided and inclosed, such Part and Parts thereof as shall in the Judgment of the Commissioners be equal in Value, reckoning the Sum of Five Pounds for each and every Acre, to the Share or Proportion which shall by the Commissioners be rated or charged upon the said Lands and Grounds respectively, towards the Costs, Charges, and Expences of the Commissioners, and all other Expences attending the Premises, and also to the Share and Proportion which shall by the Commissioners be rated or charged by the Award, or before the making thereof, upon or for the same Lands or Grounds respectively, towards the Expences of dividing and inclosing and embanking and draining the Fens, Commons, and Low Lands, and other Costs and Charges of the Act, and to convey in Fee Simple the respective Shares or Parts to be divided and set out to the Proprietor or Proprietors of Lands in the said Parish and Township, or to such other Person or Persons as shall contract and agree to pay and defray the said respective Shares and Proportions of the Expences aforesaid, when the same shall become payable as aforesaid; and also so much

of

of the said Act as requires that Once at least in each and every Year the Commissioners of Inclosure shall make a true and just Statement and Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of the Act, and that such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace for the Parts of *Kesteven* in the County of *Lincoln*, to be by them examined and balanced, and that such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners, and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said Justices; and also so much of the said Act as enacts, that all Persons who shall think themselves aggrieved by any thing which shall be done in pursuance of the said Act, or the Acts therein recited, may appeal to the Justices of the Peace at some General Quarter Sessions to be held within Four Calendar Months next after the Cause of Complaint shall have arisen, for the Parts or Division aforesaid, the Person or Persons so appealing first giving Fourteen Days Notice thereof in Writing to the Party or Parties appealed against, and entering into Recognizance, with Two sufficient Securities, to prosecute such Appeal with effect, and to pay the Costs which shall be awarded by the Justices to be paid by such Appellants respectively, and as authorizes the Justices in their said General Quarter Sessions to hear and determine such Appeal, and to give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just, and shall not be removed or removable by any Writ of Certiorari into any of His Majesty's Courts of Record at *Westminster* or elsewhere; shall be and the same Part and Parts of the said Act is and are hereby declared to be repealed.

III. And be it further enacted, That in order to make full Compensation to the said Rector and his Successors for such Part of the Glebe Lands of the said Rector as have been or shall be used or employed in the cutting or making of any Drains, Banks, Roads, or Ways in the said Act mentioned, and for the Tithes of all Lands and Grounds within the said Parish and Township, belonging to any Person or Persons whomsoever, which have been or shall be used or employed for such Purposes or any of them, it shall be lawful for the Commissioners appointed by or in pursuance of the said recited Act, with the Consent of the Proprietors of any of the Allotments already set out by the said Commissioners, or of any old inclosed Lands within the said Parish or Township, which shall in the Judgment of the said Commissioners be proper to be allotted to the said Rector for or towards making such Compensation, to set out and allot to the said Rector and his Successors such Part or Parts of such Allotments or old inclosed Lands as shall in the Judgment of the said Commissioners be sufficient, together with the Lands and Grounds already set out and allotted to the said Rector, to make such full Compensation to the said Rector for such Glebe Lands and Tithes

Allotments
to be made
to the Rector,
with Consent
of Proprie-
tors.

[*Local.*]

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aforesaid;

aforesaid; and the said Commissioners shall pay to the Proprietors of such Allotments and old inclosed Lands so to be allotted to the said Rector as last aforesaid such Sum or Sums of Money as shall be agreed to be accepted for the same by such Proprietors.

Monies paid for Lands allotted to the Rector as aforesaid, how to be raised.

IV. And for the Purpose of raising the Sum or Sums of Money requisite for making Compensation to the Proprietors of such Allotments, and the Proprietors of such old inclosed Lands, which shall be taken and allotted as aforesaid to the said Rector and his Successors, for the Purposes aforesaid, by virtue of this Act, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed and required, to rate and assess the Proprietors of all the Low Lands in the said Parish and Township (except the said Rector in respect of his Glebe, or any Allotments made or to be made to him in right of his Rectory,) in the same Manner, and for that Purpose to use and exercise all and every the same Powers and Authorities and Remedies, for assessing, charging, raising, levying, and recovering the same, as are given or allowed to the said Commissioners by the said recited Act or this Act, for assessing, charging, raising, levying, and recovering any other Monies to be raised for other the Purposes of the said recited Act or this Act.

For vacating Leases of old inclosed Lands allotted to the Rector, &c.

V. And in order that the said Rector may be put into peaceable Possession of the Allotments set out or made or given in exchange to the said Rector, in pursuance of the said recited Act, from or in the ancient inclosed Low Lands in the said Parish and Township, or which shall be set out to him in pursuance of this Act, be it further enacted, That all Leases, Agreements, and Holdings, at rack or extended Rent, subsisting of all or any Part of the old inclosed Low Lands in the said Parish or Township, the Whole whereof or Part whereof have been set out or allotted to the Rector of the said Parish in pursuance of the said recited Act, or the Whole whereof or Part whereof shall be set out or allotted to such Rector in pursuance of this Act, or the Whole whereof or Part whereof have been given in exchange in pursuance of the said recited Act, shall cease, determine, and be utterly void as to the Whole thereof, or as to such Part thereof only as shall be so allotted to the said Rector or exchanged as aforesaid, as the Case may be, on such Day or Days as the said Commissioners shall by Writing under their Hands for that Purpose appoint; and the respective Landlords, Owners, or Proprietors of the said respective Hereditaments shall make such reasonable Satisfaction to their respective Lessees or Tenants on account thereof (in case the Parties have not already or shall not then have agreed for the same) as the said Commissioners shall ascertain, order, and direct, (respect being had to the Value of such respective Leases, Agreements, or Holdings, in case the said recited Act or this Act had not been passed); and such respective Lessees or Tenants shall pay to the respective Landlords, Owners, and Proprietors of the same respective Premises, for the Use and Occupation thereof, up to the Time of vacating such Leases, Agreements, and Holdings respectively,

spectively, such respective Rents or Sums of Money (in case the said Parties have not already or shall not then have agreed for the same) as the said Commissioners shall in like Manner ascertain, order, and direct as reasonable and proper in that Behalf; and all and every Tenant and Occupier under any such Lease or Agreement or Holding for any Term of Years, or any Tenant at Will, of any such old inclosed Low Lands within the said Parish or Township which have been set out or allotted to the Rector of the Parish of *Washingborough* in pursuance of the said recited Act, or which shall be set out or allotted to such Rector in pursuance of this Act, or which have been given in exchange in pursuance of the said recited Act as aforesaid, shall, at such Time or Times as the said Commissioners shall appoint, either before or after the Execution of their Award; give up and resign the actual, full, and peaceable Possession of such allotted or exchanged Lands to the said Rector for the Time being.

VI. And in order that the Allotments set out or made or given in exchange to the said Rector in pursuance of the said recited Act, from or in the ancient inclosed Low Lands in the said Parish and Township, or which shall be set out to him in pursuance of this Act, and any Lands which are agreed to be exchanged between any Proprietor or Proprietors, may not be deteriorated or rendered of less Value before the said Rector or such Proprietor or Proprietors shall be put into the peaceable Possession thereof; and in order that the Tenants or Occupiers of the said Lands set out or allotted or agreed to be exchanged with the said Rector, or between any Proprietor or Proprietors, may be remunerated and allowed for their Seed, Labour, and Management upon such respective Lands; be it further enacted, That it shall be lawful for the said Commissioners, at such Times as the said Rector shall enter into the peaceable Possession of the said ancient inclosed Lands allotted to or taken in exchange by him as aforesaid, and at such Times as the said Proprietor or Proprietors shall enter into the peaceable Possession of the said ancient inclosed Lands agreed to be exchanged by them as aforesaid, by Writing under their Hands, to declare what Sum or Sums of Money the said Tenants or Occupiers shall pay and allow unto the said Rector, or such Proprietor or Proprietors agreeing to exchange as aforesaid, for any Damage or Deterioration (if any) which shall in the Judgment of the said Commissioners have arisen to the respective Lands so allotted or agreed to be exchanged as aforesaid, by the ploughing up or converting into Tillage such Parts thereof as are Meadow or Pasture, and by using and managing such Parts thereof as are Arable otherwise than in a proper Course of Husbandry, and also by the like Writing to declare what Sum or Sums of Money shall be paid by the said Rector, or Proprietor or Proprietors agreeing to exchange as aforesaid, to the respective Tenants or Occupiers of the said respective Lands so allotted or agreed to be exchanged as aforesaid, as a Compensation for the Expence of such Tenants or Occupiers in respect of any Seed, Labour, and Management employed upon any such Lands; and in case any Person or Persons who shall be

For preventing Waste on Lands set out to the Rector, and agreed to be exchanged, and for compensating Tenants for Management, &c.

be declared liable to pay any Sum or Sums of Money for the Purposes aforesaid shall refuse or neglect to pay such Sum or Sums of Money accordingly, within the Space of Twenty-one Days next after the same shall have been so ordered and demanded, then it shall be lawful for the said Commissioners to levy and raise the same in the like Manner, and for that Purpose to use and exercise all and every the same Powers and Authorities and Remedies, for raising and levying the same, as are given or allowed to the said Commissioners by the said recited Act or this Act, for raising, levying, and recovering any other Monies to be raised for other the Purposes of the said recited Act or this Act.

For Recovery
of Expences,
and Pay-
ments for
Tithes, &c.

VII. And whereas the Powers granted by the said recited Act to the said Commissioners, for raising and levying the Costs and Expences of executing the same, have been found defective and insufficient for the Purpose; be it therefore enacted, That if any Proprietor or Owner or other Person liable by virtue of the said recited Act to pay any Proportion of the Costs, Charges, or Expences thereby directed to be paid by him, her, or them, or of any Rate or Rates, or Arrears of any Rate or Rates, made in pursuance of the said Act, or of any Sum or Sums of Money payable in pursuance of the said Act, by any Proprietor or Person in satisfaction or compensation for the Tithes of any Messuages, Lands, Tenements, or Hereditaments within the said Parish or Township, or of any other Sum or Sums of Money payable by virtue of the said recited Act by such Proprietors or Persons, or any Part of any such Sum or Sums, or if any Proprietor or Owner or other Person who shall under or by virtue of this Act be or become liable to the Payment of any Costs, Charges, or Expences, or Sum or Sums of Money, payable in respect of the execution of this Act or the said recited Act, or under or by virtue of any of the Powers, Authorities, or Directions herein or therein contained, or any Part or Proportion of such Costs, Charges, or Expences, or Sum or Sums of Money, shall refuse or neglect to pay his, her, or their Share or Proportion or respective Shares or Proportions of such Costs, Charges, and Expences, or any such other Sum or Sums of Money aforesaid, within the Time to be limited by the said Commissioners for the Payment thereof, to such Person or Persons as they shall appoint to receive the same, then and in any such Case the said Commissioners may and they are hereby authorized, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and selling such Distress; or otherwise it shall be lawful for the said Commissioners, or such other Person or Persons as they shall appoint, to enter into and upon the Lands and Tenements by virtue of the said recited Act or this Act allotted to such Person or Persons so refusing or neglecting to pay as aforesaid, or into and upon the Homesteads and other ancient Inclosures of any such Person or
Persons

Persons so refusing or neglecting, which shall be exonerated from Tithes, or taken in exchange or upon partition, by virtue of the said recited Act or this Act, and to receive the Rents and Profits thereof respectively, until thereby, therewith, or otherwise the Share or Proportion or respective Shares or Proportions of the aforesaid Costs, Charges, and Expences, and Sum or Sums of Money, directed and appointed by the said Commissioners to be paid by such Person or Persons respectively, and also all Costs, Charges, and Expences occasioned by and attending such Entry upon and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied; or it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, upon any such Refusal or Neglect of Payment as aforesaid, by any Person or Persons to whom any Allotment shall have been made by virtue of the said recited Act or this Act, to raise by Sale or by Mortgage, in Fee or for Years, of the Allotment or Allotments to him, her, or them made, or of any Part or Parts thereof, Money sufficient to pay the Share and Proportion of the Person or Persons so refusing or neglecting, and also all the Charges and Expences of and incident to such Sale or Mortgage.

VIII. And be it further enacted, That it shall and may be lawful to and for the Trustees or Guardians of the several Charities established in the said Parish and Township by Sir *Edward Clark* Knight, *Ralph Eure* Esquire, *Thomas Garratt* Gentleman, *Timothy Pike*, or any other Person or Persons, (by and with the Consent of the Commissioners appointed by or in pursuance of the said recited Act,) from Time to Time, by any Deed or Deeds in Writing, to charge the old inclosed Low Lands belonging to such Charities respectively in the said Parish and Township with any Sum or Sums of Money (not exceeding in the whole a Sum equal to the Amount of Five Pounds for each and every Acre thereof) which shall be required for defraying their respective Proportions of the Costs, Charges, and Expences of obtaining and passing the said recited Act and this Act, and of carrying the same into execution; and for securing the Repayment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Lands, unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively, for any Term or Number of Years, so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied.

Directing how the Proportions of the Charges on the Charity Lands shall be paid.

IX. And be it further enacted, That it shall and may be lawful to and for the Trustees or Guardians of the several Charities established in the said Parish and Township by Sir *Edward Clark* Knight, *Ralph Eure* Esquire, *Thomas Garratt* Gentleman, *Timothy Pike*, or any other Person or Persons, (by and with the Consent of the Commissioners appointed by or in pursuance of the said recited Act,)

Trustees of Charity Lands enabled to sell.

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from Time to Time, by any Deed or Deeds in Writing, to sell such Part of the old inclosed Low Lands belonging to such Charities respectively in the said Parish and Township as shall be sufficient to raise any Sum or Sums of Money (not exceeding in the whole a Sum equal to the Amount of Five Pounds for each and every Acre thereof), for defraying their respective Proportions of the Costs, Charges, and Expences of obtaining and passing the said recited Act and this Act, and of carrying the same into execution, and to convey the same in Fee Simple to any Person or Persons who shall be willing to purchase the same and the Receipt of the Trustees or Guardians; or the Majority of the Trustees of the said Charities respectively so selling shall be a sufficient Discharge to the Purchaser or Purchasers for the Money in any such Receipt or Receipts respectively mentioned to be received; and such Purchaser or Purchasers shall not be obliged to see to the Application of such Purchase Monies, nor be in anywise answerable for any Misapplication or Nonapplication thereof, or of any Part thereof; and every such Sale and Conveyance shall, without Enrolment or Registry, be good, valid, and effectual in the Law to all Intents and Purposes whatsoever; and the Trustees or Guardians respectively so selling and conveying are and shall be and they are hereby fully indemnified for what they shall respectively do by virtue and in pursuance of this Act.

Trustees not to borrow or sell more than will amount to 5*l.* per Annum.

X. Provided always, and be it further enacted, That it shall not be lawful for any such Trustees or Guardians to charge any such old inclosed Low Lands as aforesaid with any greater Sum of Money than the Sum of Five Pounds for each and every Acre thereof, nor shall it be lawful for any such Trustees or Guardians to sell any greater Part of such old inclosed Low Lands than will produce by the Sale thereof a Sum of Money equal to the Amount of Five Pounds for each and every Acre thereof: Provided also, that if the Money charged upon any such old inclosed Low Lands shall not be equal to Five Pounds for each and every Acre thereof, then and in every such Case it shall be lawful for any such Trustees or Guardians so charging the same to raise by any such Sale as aforesaid any Sum of Money not exceeding the Excess or Difference: Provided also, that if any Part of the Money required for defraying their respective Proportions of the Costs, Charges, and Expences aforesaid shall be raised by Sale in the first Instance of any such old inclosed Low Lands, and shall not be equal to Five Pounds for each and every Acre thereof, then and in every such Case it shall be lawful for any such Trustees or Guardians so selling to charge such respective old inclosed Low Lands with any Sum of Money not exceeding such Excess or Difference.

As to the forming of the South Bank of the South Delph.

XI. And be it further enacted, That nothing in this Act contained shall be construed to relieve or exonerate the said Commissioners or Trustees to be appointed as herein-after directed from effectually forming and completing the South Bank of the said South Delph in the said Parish and Township, with all reasonable Dispatch, in case it shall be judicially determined that the said

Company of Proprietors of the *Witham* Navigation are not liable to complete the same.

XII. And be it further enacted, That in case of the Death or Avoidance of the present Rector of the said Rectory, or of any of his Successors, the Rector so dying or making Avoidance of the said Rectory, or his Heirs, Executors, or Administrators, shall be entitled to and be paid and shall receive a full Proportion of the Rent of all his Low Land Allotments, and a full Proportion of any Corn Rents and Glebe Rents payable to such Rector, from the then last Day of Payment up to the Day of any such Death or Avoidance.

Rector to receive his Proportion of Rents to the Day of Death or Avoidance.

XIII. And be it further enacted, That for the better Ascertainment and Division of the Lands and Hereditaments within the said Parish of *Washingborough* and Township of *Heighington* respectively, it shall and may be lawful to and for the said Commissioners to set out One or more Line or Lines as the Boundary between the said Parish and Township, taking care to preserve the same total annual Value of Lands and Hereditaments within the said Parish and Township respectively as in their Judgment is now comprised in each, and to declare and specify the same in and by their Award and the Map or Plan to be annexed thereto, and the same shall for ever thereafter be and be deemed and taken to be the Boundaries between the said Parish of *Washingborough* and the said Township of *Heighington* respectively, any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that the Allotments to be made to the said Rector of the Parish of *Washingborough* aforesaid shall be equally divided (according to the Value thereof) between the Parish and Township respectively, or as near as may be.

Boundary between the Parish and Township.

XIV. And in order that the Banks, Drains, and other Works necessary for draining and preserving the Lands or Grounds by the said recited Act directed or intended to be drained and embanked, may be made, maintained, supported, and kept in repair, be it further enacted, That the Lord of the Manor of *Washingborough* for the Time being for ever, and the Rector of the Parish and Parish Church of *Washingborough* for the Time being for ever, together with Two Persons being Proprietors or Occupiers of Lands in the Parish of *Washingborough*, and Two Persons being Proprietors or Occupiers of Lands in *Heighington*, to be elected as herein-after mentioned, shall be and they and the Successors of such Four last-mentioned Trustees (to be elected and appointed as herein-after mentioned) are hereby declared to be Trustees for putting in execution the Powers and Authorities given to or vested in the Trustees mentioned in the said recited Act made in the Seventh and Eighth Years of the Reign of His present Majesty, subject to the Provisions of this Act; and the said Trustees, or any Three or more of them, are hereby fully authorized and empowered to make, support, erect, alter, and maintain, or cause to be made, supported, erected, altered, and maintained, all such Cuts, Drains, Banks, Sluices, Tunnels, Bridges, and other Works in, through, and over the Lands

For appointing Trustees.

Lands or Grounds by the said recited Act directed or intended to be embanked, drained, and improved, as they shall think necessary for draining and preserving the same: Provided always, that the Execution of any new Works, or the Erection of any Steam Engine or other Machine, for the Purposes of the said recited Act or this Act, shall not be commenced by the said Trustees until the Execution or Erection thereof shall have been assented to by a Majority of Proprietors, in Value, at a Meeting to be called by the said Trustees for the Purpose, by a Notice to be given in the same Manner as Notices are herein-after required to be given for the Election of new Trustees.

Mode of
Election of
Trustees for
Parish and
Township.

XV. And for electing Trustees for the said Parish and Township, be it further enacted, That at such Time (being within Three Calendar Months from the Time the said Commissioners shall, by Writing under their Hands to be affixed on the principal Door of the Parish Church of *Washingborough* aforesaid, declare the Works of Drainage and Improvement to be completed, with the Exception of the said South Delph Bank,) they the said Commissioners shall cause public Notice to be given in the said Parish Church of *Washingborough* on some *Sunday* during or immediately after Divine Service, and in One or more of the Newspapers printed and circulated in the said County of *Lincoln*, that the Proprietors of Low Lands in the Parish of *Washingborough* and the Proprietors of Low Lands in the Township of *Heighington*, or their Deputies or Agents to be appointed in Writing under their Hands, will meet in the Vestry Room at the Parish of *Washingborough* aforesaid, on some Day or Days to be named therein, after the Expiration of Fourteen Days from the Date of such Notice, then and there to make choice of Two Trustees for the Parish of *Washingborough* and Two Trustees for the Township of *Heighington*; and it shall be lawful for such Proprietors or their Deputies or Agents assembled at any such Meeting or Meetings, or at any Adjournment thereof, being Proprietors of Low Lands in the Parish of *Washingborough*, (except the Lord of the said Manor for the Time being, and except the Rector of the said Parish for the Time being in respect of his Rectory,) to elect Two Persons, being respectively possessed of Thirty Acres of Land in the said Parish of *Washingborough*, or in the said Parish and Township, or being Tenant of or renting One hundred Acres of Land in the said Parish, or in the said Parish and Township, and being resident within Ten Miles of the Boundaries of the said Parish or Township, to be Trustees for the Purposes of the said recited Act and this Act for the said Parish of *Washingborough*; and it shall be lawful for such Proprietors or their Deputies or Agents assembled at any such Meeting or Meetings or at any Adjournment thereof, being Proprietors of Low Lands in the Township of *Heighington*, (except the Lord of the said Manor for the Time being, and except the Rector of the said Parish for the Time being in respect of his Rectory,) to elect Two Persons, being respectively possessed of Thirty Acres of Land in the said Township or in the said Parish and Township, or being Tenant of or renting One hundred Acres of Land in the said Township or in the said Parish

Parish and Township, and being resident within Ten Miles of the Boundaries of the said Parish or Township, to be Trustees for the Purposes of the said recited Act and this Act for the said Township of *Heighington*; and it shall be lawful for every such Proprietor, (except the Lord of the Manor and the Rector as aforesaid,) or his or their Deputy or Agent appointed as aforesaid, and present at such Meeting, to vote in the Election and Appointment of such Trustees; and every such Election and Appointment shall then and from Time to Time be made by a Majority of Votes of the Proprietors present, such Majority to be determined according to the Value of the Lands belonging to Proprietors voting as aforesaid, and shall be certified in Writing under the Hands of the Proprietors so voting in a Book to be kept for that Purpose; and that when any of the said Trustees shall die, or refuse to act, or become incapable of acting in the Execution of this Act, it shall and may be lawful for the Majority in Value of the said Proprietors (except the Lord of the Manor and the Rector as aforesaid) who shall be assembled together at a Meeting to be convened by the remaining Trustees or any One or more of them, (by Notice to be given in the said Parish Church, and in some Newspaper, subject to the like Regulations as are hereinbefore mentioned respecting Notices to be given by the Commissioners for electing the first Trustees,) to elect and appoint a Trustee or Trustees qualified as aforesaid in the Room and Stead of such Trustee or Trustees so dying, or refusing to act, or becoming incapable of acting, in the same Manner in all respects as Trustees are directed to be elected and appointed in the first Instance; and that such Trustee or Trustees, being so elected and certified, shall have and be invested with all and every the like Powers and Authorities to all Intents and Purposes as the Trustee or Trustees in the Room or Stead of whom he or they shall be appointed would have had by virtue of this Act or the said recited Act if in being and continuing to act in execution of the Trusts and Purposes of this Act and the said recited Act; and in case of any such Vacancy or Vacancies, it shall not be lawful for the remaining Trustees to act in the Execution of the said recited Act or this Act longer than for Thirty Days after the Death or other Disability of any Trustee shall happen or be known, until such Vacancy shall be supplied in manner aforesaid.

XVI. And be it further enacted, That the Persons to be elected and appointed Trustees in pursuance of this Act shall continue in Office for the Term of Five Years from the Day of their being so appointed, or until others shall be appointed in their Stead; and previously to the Expiration of any such Term of Five Years the Trustees for the Time being, or in case of their Refusal or Neglect within One Calendar Month before the Expiration of any such Period; then any One Proprietor possessed of Thirty Acres of Fen Land or Low Land at least in the said Parish and Township, shall or may, at any Time or Times before or after the Expiration of such Term of Years, call a Meeting of the Proprietors, by Notices to be published in manner aforesaid, and at any such Meeting, or any Adjournment thereof,

Trustees to
continue in
Office Five
Years.

[*Local.*]

24 I

thereof,

thereof, the Proprietors present (except the Lord of the Manor and the Rector as aforesaid) shall proceed to elect and appoint the future Trustees, being Persons qualified as herein-before mentioned, in the same Manner as is herein-before provided respecting the Appointment of Trustees in the first Instance; and any Person who shall be serving or who shall have served the Office of Trustee under this Act may nevertheless be elected and appointed a future Trustee as aforesaid.

Lord of the Manor and Rector may appoint a Deputy.

XVII. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies for the Time being of the said Manor of *Washingborough*, and for the Rector of the Parish of *Washingborough* for the Time being, from Time to Time to appoint, by Writing under his or her Hand, a Deputy or Proxy to act as a Trustee in the Place or Stead of such Lord or Lady, or Rector, during the Pleasure of the Person or Persons so appointing; and such Deputy or Proxy shall not be required to possess any of the Qualifications herein-before required for Trustees elected by the Proprietors.

Trustees and Deputies to be sworn.

XVIII. And be it further enacted, That no Person shall be capable of acting as a Trustee (except it be in administering the Oath or Affirmation herein-after mentioned), or as a Deputy or Proxy, until he shall have taken the Oath following (or, being one of the People called *Quakers*, made Affirmation); and which Oath or Affirmation it shall and may be lawful to and for any one of the said Trustees to administer; *videlicet*,

Oath.

‘ I do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Trustee [*or Deputy Trustee*] appointed in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act.*]

So help me GOD.’

[*Or, being a Quaker, omit the Words ‘ So help me God.’*]

Rates to be made for supporting the Works.

XIX. And, for the better and more effectually making, maintaining, supporting, repairing, cleansing, and using the Engines, Drains, Dams, Banks, and other Works by the said recited Act or this Act directed or authorized to be made for the Purpose of draining and preserving the said Low Lands, be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized and required, from Time to Time as often as the same shall be requisite and necessary, to meet at some convenient House within the Distance of Eight Miles of the Parish and Township aforesaid, (at all which Meetings their reasonable Expences only shall be allowed them); and the said Trustees shall then and there rate, tax, and assess the Owner and Owners of all and every the Lands and Grounds intended to be drained by virtue of the said recited Act or this Act,

except the Allotment or Allotments made to the Rector as in the said recited Act mentioned, by such Rate or Tax (to be proportioned as by the said recited Act is directed) as shall be necessary to pay and discharge the Expences of making, erecting, altering, maintaining, supporting, and using the Works necessary for draining and preserving the said Lands, and defraying the Expences of the said Trustees or their Officers, as mentioned in the said recited Act, (which said Rates and Taxes the said Trustees are hereby authorized and required to apply accordingly,) and to appoint under their Hands such certain Days and Places for the Payment of such Rates and Taxes to the Collectors or Receivers thereof as they the said Trustees shall think proper: Provided always, that no Money shall be raised for the making of any new Works, or erecting any Steam Engine or other Machinery, until the Propriety of making or erecting such further Works shall have been consented to by a Majority in Value of the Proprietors of the said Lands present at any Meeting of the said Proprietors to be called for the Purpose, as herein-before mentioned; and that no Rate shall be laid or assessed by virtue of this Act for any such last-mentioned Purposes, unless such new Works are specifically stated in the Notice of such Meeting, as herein-bcfore directed; and at all Meetings of the said Trustees the Lord of the Manor, or the Rector, if either of them shall be present, shall be the Chairman of such Meeting, or otherwise a Chairman shall be elected by the Trustees or the Trustees and Deputy Trustees present, and in all Cases where the Number of Voices shall be equal upon any Question the Chairman shall have a second or casting Vote.

XX. And be it further enacted, That it shall be lawful for the said Commissioners and Trustees respectively, and they are hereby authorized and required, from Time to Time, to let the Herbage and Produce of the Banks made or to be made or erected for the Purposes of embanking and draining the Lands and Grounds within the said Parish and Township, or any other Bank or Banks within the same Parish and Township, as also the public Roads or Highways within the said Parish and Township, publicly, to the best Bidder or Bidders, for any Term not exceeding Three Years, subject to such Covenants and Regulations respecting the said Banks and Roads or Highways as they the said Commissioners and Trustees respectively shall think proper; provided the Person or Persons taking the same is and are restrained from stocking the said Banks, Roads, and Highways with any other Cattle than Sheep; and the Rents and Profits of such Banks and Roads or Highways shall be applied by the said Commissioners and Trustees respectively to the Purposes of the said Drainage and Repairs of Highways, as the said Commissioners shall direct in and by their Award for that Purpose.

Commiss-
sioners and
Trustees may
let Herbage.

XXI. And be it further enacted, That from and after the Election of the said Trustees the several Powers and Authorities granted to the said Commissioners by the said recited Act and this Act shall cease and determine, with respect to the said Drainage and Embankment,

Powers of
Commiss-
sioners as to
Drainage to
cease on

Election of Trustees, except as to making an Award.

ment, except the Power of making an Award, as directed by the said recited Act: Provided always, that nothing in the said recited Act or this Act contained shall be deemed or construed to affect or abridge the Powers and Authorities given to the said Commissioners by the said recited Act and this Act, with respect to the said Inclosure and Exoneration from Tithes of the several Lands within the said Parish of *Washingborough* and Township of *Heighington*.

For paying the Expences of this Act.

XXII. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing and executing this Act, and all necessary and proper Expences attending the applying for, prosecuting, and trying any Mandamus, or any Suit or Suits at Law or in Equity, respecting the Liability of the Company of Proprietors of the *Witham* Navigation to render the said South Delph of sufficient Capacity as aforesaid, or otherwise relating to the same, shall from Time to Time be defrayed, and Money for that Purpose shall be raised, in the Manner provided by the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty for the Payment of the Costs, Charges, and Expences incident to and attending the obtaining and passing of the same Act, and carrying the same into execution, except so far as the same are otherwise provided for by this Act.

Commissioners to lay Accounts before a Justice.

XXIII. And be it further enacted, That the said Commissioners shall not at any Time permit or suffer any just Claims or Demands upon them as such Commissioners to remain unpaid for a longer Period than Three Calendar Months, except such Sums as may from Time to Time be due and owing to the Clerk for Attendances at Meetings to be held in pursuance of this Act or the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty; and Once at least in every Three Calendar Months during the Execution of this Act or the said recited Act, (to be computed from the Day of the passing of this Act,) the said Commissioners shall and they are hereby required to make a true and just Statement and Account of all Monies which shall be by them received and expended, or due to them or to the Clerk for their respective Trouble and Expences in the Execution of this Act or the said recited Act, or the Acts therein recited, and in such Statement or Account shall be particularly specified the several Items and Articles for which each particular Sum has been paid or disbursed; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the Parts of *Kesteven* in the said County of *Lincoln*, who shall be uninterested in the Lands and Grounds by the said recited Act directed to be divided and inclosed, to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in a Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and an Abstract of such Account so examined and balanced shall be from Time to Time published in the Newspaper called "*The Lincoln, Rutland, and Stamford Mercury*,"

or

or some other Newspaper circulated in the said County of *Lincoln*; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, until the same shall have been duly allowed by such Justice or Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal hereinafter contained.

XXIV. And be it further enacted, That if any Person or Persons Appeal. shall think himself, herself, or themselves aggrieved by any Allotment or Allotments, or in respect to the Value of any Lands or Corn Rents, or the Mode of ascertaining the Value of any Lands or Corn Rents, or by any thing done or omitted to be done in pursuance of or by any Rate or Assessment to be made by virtue of this Act or the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty, or the Acts therein recited, or either of them, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are by this Act or the said Acts directed to be final, binding, and conclusive upon all Parties, and except in such Cases where an Issue at Law shall be tried, as mentioned in the said recited Act of the Seventh and Eighth Years of the Reign of His present Majesty,) he, she, or they may appeal to the General or Quarter Sessions of the Peace which shall be held for the Parts of *Kesteven* in the said County of *Lincoln* within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving Twenty-one Days Notice in Writing of such Appeal, and of the Cause and Matter thereof, to the said Commissioners or to the Trustees, as the Case may be, except with respect to the Accounts of the Commissioners, which, notwithstanding the same shall have been examined and balanced, and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Date of the said Award, on giving to the Commissioners such Notice as last aforesaid; and the Justices in the General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale, which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removable by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous or vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

Public Act. . . XXV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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